

# Parental Defense Alliance of Utah



Annual Report  
FY 2019

## Executive Summary

The Parental Defense Alliance of Utah (PDA) is a non-profit organization created to provide training and assistance to attorneys who represent parents in Utah's child welfare proceedings. Since 2005, the PDA has exclusively fulfilled the contract described in Utah Code Section 63A-11-104 to provide training, organizational and other resources to parental defenders across the State. We were successful in again securing that contract through an RFP process in September 2017, and will hold the contract through 2022. From removal to reunification, or even at termination of parental rights, parental defense attorneys are dedicated advocates, well-versed in the laws and practice of child welfare law in Utah courts. The PDA is proud to support its members, and is ever seeking to provide them with resources in substantive, new, and creative ways.



## Year in Review

FY 2019<sup>1</sup> proved to be another year of significant changes and opportunities for the PDA. The largest change we experienced this year was moving our administrative “home” from the Department of Finance to the Commission on Criminal and Juvenile Justice (CCJJ). Although meetings regarding this change took place over the summer of 2018, the move itself was accomplished during the most recent legislative session, with actual transfer of operations occurring at the beginning of FY 2020 on July 1, 2019. The PDA expresses its sincere appreciation for the dedicated professionals at the Department of Finance who worked with our Board of Directors during the years our two offices worked together to support parents and families. In that same vein, we look forward to the opportunity of working with the CCJJ to continue to elevate the practice of parental defense in Utah, and are excited about the opportunities this move will afford the PDA. Another major change throughout FY2019 was the change of our two most-utilized software platforms, RegOnline for event registration purposes, and Beacon Live for online CLE hosting. Both companies were acquired by third party companies during FY2019 and both new managements elected to eliminate the product or agreement format that the PDA had utilized, necessitating the change of one platform and elimination of another. Both changes have required significant adjustment, that will be discussed in more detail herein. Although our administrative organization underwent some major changes this year, the composition of our Board of Directors remained the same, and we have been grateful for the organizational stability this has afforded our members. Our Annual Conference continued to host a consistent number of attorneys, reflecting maintained growth over the past several years, and the move to another new venue where all participants could be housed on a single property was very well-received, though it brought its own unique challenges along with it. Our smaller training events all had higher attendance this past year, which we attribute to particularly well-timed training topics and excellent efforts by our local board area representatives.

In addition to continuing to fulfill our mission to provide the best possible training and assistance to Utah’s parental defense attorneys, we also successfully navigated many new changes and took advantage of exciting new opportunities, including the following:

- Authoring, at the request of the Supreme Court of Utah, the PDA’s first amicus curiae brief;
- Researching multiple potential platforms for event registration software and securing a financially advantageous agreement;
- Participating on an ICWA task force focused on potentially drafting a state ICWA for Utah;
- Increasing communication and cooperative projects with the Department of Child and Family Services, particularly pertaining to coordinated training efforts, input on

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<sup>1</sup> The PDA’s fiscal year tracks the State’s fiscal year, spanning from July 1, 2018 through June 30, 2019.

legislation impacting child welfare, and navigation of Title IV-e funding per the Family First Act;

- working extensively with other agencies and offices to elevate practice in child welfare, most particularly the Court Improvement Program and Indigent Defense Commission;
- Fielding multiple questions from legislators and legislative committees regarding potential legislative changes impacting child welfare;
- providing a number of in-person trainings, including a successful annual conference and renewal of several online training opportunities;
- updating our website and using our blog and emails to provide relevant information related to child welfare to our members and contacts;
- participating in trainings both locally and nationally, along with other statewide committees related to child welfare;
- continuing to reimburse funds to attorneys who represent indigent parents for the purposes of appeal and expert testimony; and
- reaching out as an organization to be included in a robust and ongoing national dialogue about the status of the practice of parental defense, in our jurisdiction and others.

The balance of the Annual Report will address these opportunities in greater detail, as well as outline the allocation of our annual budget.

## Board Members

As indicated previously, the PDA was able to enjoy organizational stability within our Board of Directors during FY2019, with all of its current directors retaining their geographic assignments. Accordingly, since September 2017, the PDA Board of Directors has consisted of 6 members (5 voting members and one Executive Director). The one significant change that occurred in PDA leadership during FY2019 was that, due to personal circumstances, Carol Mortensen elected to step down as the PDA President. She continued to maintain her position representing the 1<sup>st</sup> District on the Board of Directors. In the fall of 2018, Jordan Putnam was elected as our President and Jason Richards was elected as our President Elect. Both will serve for a term of two years.

Thus, our current board structure is as follows:

Name	Judicial Districts	Representative
1 <sup>st</sup> District	1 <sup>st</sup>	Carol Mortensen
2 <sup>nd</sup> District	2 <sup>nd</sup>	Jason Richards (President Elect)
3 <sup>rd</sup> District	3 <sup>rd</sup>	Jordan Putnam (President)
4 <sup>th</sup> District	4 <sup>th</sup>	Margaret Lindsay
Southern	5 <sup>th</sup> and 6 <sup>th</sup>	Michael Rawson
Eastern	7 <sup>th</sup> and 8 <sup>th</sup>	Mark Tanner (treasurer)

Name	Judicial Districts	Representative
<b>Executive Director</b>	All districts	Kirstin Norman

Specific duties of board members include liaison with PDA members in their districts, liaison with court clerks in their districts, planning at least one lunch CLE for their region per year with the Executive Director, observing court with the different judges in their region, and contributing posts to the PDA's blog. As a reminder of our internal practices, the Executive Director is not a voting member of the Board, except in the event a tie-breaking vote is needed to facilitate a decision.



Truly, one of the greatest benefits the PDA is able to provide to its members is the concentrated assemblage of talent and perspectives on its Board of Directors. All six have been recognized by their peers for the excellence of their practice, with multiple winners of PDA awards for Trial Attorney of the Year, Appellate Attorney of the Year, and Lifetime Achievement Award recipients all in the mix. The institutional knowledge and buy-in this affords the PDA is immeasurably beneficial in helping us to tailor training events to fit specific needs, as well as allow us to be responsive to questions and concerns from members across the state.

## Trainings, Seminars and Conferences

One of the main charges of the PDA is to provide training opportunities for continuing legal education credit (CLE) to parental defense attorneys in the state of Utah. This past year we provided four different in-person training opportunities. It is worth noting that all of this training must be independently accredited by the Utah State Bar Association, and that every application we have submitted to the MCLE department has been approved.

### ***October 12, 2018***

Event: Multi-Hour CLE Event

Location: Salt Lake Community College Miller Campus, Draper

Topic: *Immigration and In re. BTB*

Presenters: Sheleigh Harding, Creative Conflict Resolution, L.C., Alyssa Williams, Catholic Community Services, Maria Ruiz, Member of the Protection and Legal Affairs Department of Mexican Consulate in Salt Lake City, J. Robert Latham, Appellate Counsel for In re. BTB, and Sara Pfrommer, Appellate Counsel for In re. BTB.

Number of Registrations: Approximately 45

Originally, our fall, multi-hour CLE event was planned to only address Immigration and its impact on parental defense. However, in the weeks leading up to this training event, the Utah Court of Appeals issued its decision in *In re. BTB*. This decision was incredibly important to parental defenders. In this decision, the Court of Appeals disavowed its “almost automatically” line of cases, which held that if grounds had been established for termination of parental rights, it would “almost automatically” follow that termination was in the best interest of the child. The Court of Appeals found that this practice impermissibly weakened the two-prong test for termination. This was such a pivotal and important shift in case law, that the Board determined we needed to train on the impact of this case as soon as possible. Accordingly, in addition to the three incredible speakers we had secured to address Immigration, we also invited the attorneys (and long-time PDA members) who had authored the father’s brief in the case to present on their experience, and how to potentially use the *In re: BTB* decision in future cases. Enthusiasm for the training topic was reflected in the increased number of registrations we received for this event. Last year 38 people registered for our fall event, and that included about half of those participants coming from the Young Lawyer Division of the Bar, who co-sponsored the Juvenile Court Bootcamp. This year, 44 PDA members registered for our fall multi-hour event, and all of those participants were parental defenders and PDA members.

We had approximately 40 people attend this in-person training event, with a significantly higher proportion of registered attendees actually appearing at this event than last year’s event. The in-person feedback was so positive from this event, that in response to discussions in the room, we elected to present on the impact of *In re: BTB* again at our Annual Conference in April.

The PDA received approval for 2 hours of CLE credit for the event from the Utah Bar.

### ***April 11-12, 2019***

Event: Annual Parental Defense Conference

Location: The Doubletree Hotel, Park City, UT

Number of Registrations: 161

Presenters:

- **Legislative Update** by Senator Todd Weiler
- **Putting Families First** by Diane Moore, Division of Department of Child and Family Services Director
- **Where the Rubber Meets the Road: Clients in Treatment and the Family First Prevention Services Act** by panelists Adam Cohen, CEO of Odyssey House of Utah, Lisa Heaton, Executive Director of House of Hope, and Rosie Holmes, Supervisor of Tranquility Home Residential for Women.
- **It’s Not You, It’s Me... Breaking up with the “Jealous Mistress”** by Ammon Nelson, Owner of Ammon Nelson Law, PLLC and Attorney Alive, LLC (Ethics Hour)
- **Breakout Presentation: How to Use the State’s Expert to Benefit Your Client** by Dr. Rick Beisinger

- **Breakout Presentation: Child Therapists as expert witnesses: Providing clear expectation for assessments and helping them prepare for testimony** by Dr. Doug Goldsmith
- **Case Law Update and Appellate Roster Training** by Margaret P. Lindsay, Assistant Director in the Utah Public Defender Association and PDA Board Member, Mary Westby, Staff Attorney at the Utah Court of Appeals, and Nancy Sylvester, Associate General Counsel for the Utah State Courts.
- **KEYNOTE ADDRESS: Lessons Learned: What I Wish I Had Known Before I started** by Judge William A. Thorne
- **Breakout Presentations (participants selected two to attend)**
  - **Coordinating Appellate Strategy Across the State** panel presentation by Rob Latham, Sara Pfrommer, Jordan Putnam, and Anthony Saunders
  - **Practice Pointers** panel presentation by Mary Ann Ellis, Michael Rawson, Jeff Ross, and Thomas Sitterud
  - **Understanding the Adversary** panel presentation by Nicole Lowe, Nicole Salazar-Hall, and Brian Hart
  - **Mental Health Assessments** panel presentation by Brent Salazar-Hall, Nate Roman, and Michael Forsberg
- **Professionalism and Civility Challenge**  
By Grant Dickinson, PDA Board of Directors (emeritus)

This year, our conference registrations very closely tracked last year's numbers. We had 161 persons register (compared with last year's 165, and our high-water mark of 171 in 2017). Additionally, of those 161 registrants, 152 actually attended, as 9 participants had last-minute scheduling conflicts that prevented their attendance at the conference. Once again, we made use of a new venue that could host the entire conference on a single property, the Doubletree Hotel in Park City. Although the Grand Summit had excellent reviews in our surveys from the previous year, it was unavailable during the scheduled time of the conference this year. Indeed, the conference was held earlier in April than it typically falls (since we follow the Judicial Conference's schedule so that none of our members are missing court). The earlier date prevented several of our regular attendees from coming, and resulted in the conference being held in a busier time of year for venues in Park City, necessitating the move. This property was centrally located in downtown Park City, but slightly less polished. Surveys indicated while participants generally approved of the Doubletree location (with 19.4% rating the venue "excellent" and 63.9% rating the venue "good"), the Grand Summit was perceived as a superior location for the conference (last year's surveys indicated 63% of participants rated The Grand Summit as "excellent" and 30.4% rated it "good"). Accordingly, to avoid scheduling conflicts for the next Annual Conference, we have already secured The Grand Summit as our venue for 2020.

Of those surveyed, 11.1% reported that this was the first year they had attended the conference, which still tracks slightly less than most previous years, (15-18%), but was an increase from last year's mark of 6.5%. We feel this reflects that we continue to provide useful education to our target audience, while still capturing those new to this area of law. It also



means that the vast majority of attorneys who attend our conference do so year after year because they find the material to be relevant and useful to their practices. All of these factors encourage the Board that the focus and quality of the conference is resonating well with our members.

Our feedback for this year's conference was overwhelmingly positive: 97.3 of those surveyed rated the conference as either "Excellent" or "Good," which is a 1.7 % increase from last year (which, incidentally, had been rated 5.6% higher than the previous year, showing promising, continued trending upwards). Again, participants favored the front-loaded format of having the first day be longer and the second day ending at lunch. All of those surveyed indicated that the conference was relevant to their daily practice. In responding to a question that asked which portions of the conference were most useful to your practice, one survey participant noted "Honestly, everything was well done. I benefitted literally from it all. You guys really choose useful subjects and content." Another stated, "I have attended the conference the last five years and I think this was the most helpful yet. The presenters presenting on issues that are actually relevant to parental defense and the presenters gave great practical advice. The keynote speaker, Judge Thorne, was excellent and right on point with a lot of useful information." Although all the presentations rated high on our surveys, the three with the highest survey results were Diane Moore's presentation on Putting Families First (an incredibly important message coming from the head of DCFS, our counter-part in court, on our shared vision in child welfare), Ammon Nelson's presentation on preserving work/life balance, and Judge Thorne's incredible keynote address.

In a continued, year-over-year improvement, only 1 survey rated the conference as "fair," (with 2 rating it fair in 2018 and 3 rating it fair in 2017) and no results rated it "poor," whereas the last year there was one "poor" vote was in 2017. We are proud of improving our already stellar results in that area, and attribute the continued trend of improvement to closely listening to and serving the training needs articulated by our members, and communicated through our Board of Directors. Also, participants continued to favorably review the use of breakout sessions to the agenda, though 8.3% did disapprove of them, which we will remember for future conferences. This year, we had two different breakout session opportunities; perhaps next year, we will consider only having one. Overall, the Board was highly encouraged by improved survey results this year. Our goal will be to match or exceed these positive results in FY2020.

### ***May 17, 2019***

Event: Lunch CLE  
 Location: Farmington District Court  
 Topic: *Rule 100*  
 Presenter: Judge Sharon Sipes and Commissioner T.R. Morgan  
 Number of Attendees: 16



This year, the PDA Board focused on holding lunch events in judicial districts with newer board member representatives. Jason Richards, Board Area Representative for Utah's 2<sup>nd</sup> Judicial District, came up with the training topic of covering Rule 100 with both a juvenile court judge and domestic commissioner. With over double the attendance of last year's lunch events, it seems fairly apparent this training topic was well chosen and very timely. We do not formally survey these smaller events, but in-person feedback was highly positive, and attendees were decidedly engaged in a back-and-forth dialogue with the presenters. The PDA would like to express its appreciation for both Commissioner Morgan and Judge Sipes for also providing extremely informative handouts for their presentations.

### ***June 17, 2019***

Event: Lunch CLE  
 Location: Executive Lunch Room, Matheson Courthouse, SLC  
 Topic: *Family Dependency Drug Court: Getting Your Client Into Treatment*  
 Presenter: Melissa Sanchez, Specialty Courts Program Coordinator for Third District,  
 and Aurora Reyes, Clinical Supervisor for Salt Lake County  
 Number of Attendees: 14

PDA President Jordan Putnam had not yet hosted a PDA lunch event since joining the Board. He decided to host a training event on a need he had perceived in 3<sup>rd</sup> District: family dependency drug court and how to get clients into treatment. The 3<sup>rd</sup> District lunch event was also very well attended, and well-received. The presenters reviewed some common roadblocks to treatment, as well as ways around those problems and answered multiple questions from a highly-engaged audience that included both contracted and non-contracted parental defenders who have encountered this issue recently in their practices. They were also very candid about the challenges facing parents in these cases, and places where the programs are not yet at the capacity to serve every client in these cases. The subject material was so useful, we may include a similar training hour in our next Annual Conference.

### ***Other Training Opportunities***

The PDA continues to work closely with the Court Improvement Program to help plan training opportunities that will be useful to parental defenders and other stakeholders in Utah's juvenile courts. This year, the PDA helped to implement the 2019 CIP Summit in Midway, UT. It was another highly successful event, and emphasized the need to include training on the Family First Act in our Annual Conference later in the year.

## Videos

This past year, the company that had hosted our online CLE programs, BizVision, was purchased by another company, Beacon Live. Over several months, the PDA conducted ongoing conversations with staff at Beacon Live to ensure all of our materials would be migrated over to the new platform, and that the pricing structure would be similar enough that we could continue to afford offering this service to our members. Unfortunately, it became apparent in January 2019 that the material had NOT, in fact, been migrated to the new platform. In subsequent discussions with the same Beacon Live personnel that had assured us our pricing structure would not change, they informed the PDA that we would have to pay \$100 per month in order to host the video content, on TOP of the percentage they would already glean from the sale of each purchased program. This would have resulted in a 5000% increase in the cost for the PDA to host the online content it had in the past. We were only charged previously a percentage of income collected for the videos that were viewed (which was nominal since we always tried to provide members free access codes to begin with; costs were only attached to prevent people outside the PDA's jurisdiction from accessing free CLE at our expense). This resulted in a yearly small, but net-positive amount added to the PDA's budget. If we accepted the new terms Beacon Live proposed, we would be paying for a monthly expense. Because we questioned whether our budget would be able to support this new expense in the long term, the PDA made the determination to remove our online videos and no longer support online CLE credit. This has been an unfortunate loss to our members. However, we found it irresponsible to commit to an ongoing monthly expense when yearly views of our videos numbered fewer than 10. We are hopeful that creative partnerships we have been investigating in FY2020 will make it possible for us to make this service available to our members once again in the not too distant future.

## Website, Outreach and Counseling

**Website—**[www.parentaldefense.org](http://www.parentaldefense.org)

The PDA continues to look for ways to improve the website so that it is an excellent resource to parental defense attorneys around Utah. We continue to add webpages for use during the annual conference, which allows us to distribute materials digitally and save printing costs. All of our training events are published on the website, with their accompanying registration links. Also, members can review a host of online resources available to them, including our video on-demand trainings, apply for PDA membership, and update their directory records. The PDA is also in the process of updating our Forms database, which was fairly out-of-date. This project continues to be ongoing.

**Blog—**[www.parentaldefense.blogspot.com](http://www.parentaldefense.blogspot.com)

Because blogging has become a less popular form of online communication, the PDA has utilized its blog less this year than it has in years past. Other online forums appear to be a more effective way of imparting information quickly to members.

### ***Parental Defense Database and Emails***

The PDA's contract requires it to maintain a database of parental defense attorneys and to use emails to provide updates. We continue to utilize a member management software called WildApricot to provide this service. As indicated in last year's Annual Report, this subscription cost increased this year. We were grateful for the institutional foresight in limiting other expenses in our budget that allowed us to absorb this increased cost without losing important services to our members, or unduly taxing our budget.

At the end of the fiscal year we had 383 contacts in the database and 276 of those were considered members. The members have their information displayed on our website as part of the directory, while the contacts do not. Members can manage any changes to their personal information by logging into the database which is linked to the website.

During the fiscal year the PDA sent 37 emails out to all the contacts, which averages approximately 3 emails per month, with many of these emails focusing around specific events, such as the conference. It should be noted that these are the emails that come directly from the PDA's email blasts, and does not include direct email outreach from our board members to individual practitioners.

### ***Counseling***

The PDA continues to act as a resource to parental defense attorneys who may need direction or insight regarding a particular case. Our enlarged board has particularly increased the efficacy of this process. PDA Members at large are able to connect with the board member that represents their region to report issues or challenges they are facing. This increases the channels by which the PDA is able to receive information from its members, and allows us to become more responsive to their needs. Throughout the year, the board has consulted with a number of attorneys regarding various issues relevant to child welfare and juvenile court practice, directing them to resources or trainings that might be of assistance.

### **Other Activities**

As mentioned previously, the PDA maintains a statewide presence in the practice of parental defense by sitting on the CIP Committee, the CIP Training and Steering Committee, as well as by appointing members to the Indigent Defense Commission and its subcommittees. Additionally, this year we were asked to participate on a legislative task force looking to draft a state ICWA law. These relationships help keep us informed on the status of child welfare practice throughout the State.

### ***Other Conferences and Trainings***

There are numerous local and national conferences and trainings on subjects relevant to child welfare. These events provide great opportunities for the PDA to scout potential presenters for our conferences, as well as to stay up to date on trends impacting the practice of parental defense nationally. This year, we were able to send board members to two different national conferences.

- April 9-12, 2019: American Bar Association National Conference for Access to Justice for Children and Families and National Conference on Parental Representation, Washington, DC; attended by Board Member Jason Richards
- August 26-28, 2019: National Association of Counsel for Children Annual Conference, Anaheim, CA; attended by Board Member Michael Rawson
- The PDA typically sends a Board Member to the National Counsel for Juvenile and Family Court Judges Annual Conference. This year, the conference was in Orlando and board members' schedules did not allow us to send a representative. Since we did send participants to the ABA and NACC Conferences, as well as secure Martin Guggenheim to present at our 2020 Annual Conference, we felt that this was an opportunity we could afford to miss this year, though we will be certain to send a board member next year to attend.

## Assistance on Appeal

One of the PDA's contractual responsibilities involves making expenditures from the Child Welfare Parental Defense Fund (Fund 2090) for the purposes articulated in Utah Code Section 63A-11-203. Those purposes are:

- (a) to pay for the representation, costs, expert witness fees, and expenses of contracted parental defense attorneys who are under contract with the department to provide parental defense in child welfare cases for the indigent parent or parents that are the subject of a petition alleging abuse, neglect, or dependency;
- (b) for administrative costs under this chapter; and
- (c) for reasonable expenses directly related to the functioning of the program, including training and travel expenses.

A parental defense attorney representing a parent or parents that are the subject of a petition alleging abuse, neglect, or dependency under the provisions of Title 78 Chapter 3a, Juvenile Courts, Part 3 or 4 and who have been determined by the court to be indigent pursuant to the provisions of Utah Code Section 77-32-202, may apply to the Parental Defense Alliance for reimbursement of those particular costs. Historically, the PDA has determined that a parental defense attorney whose clients meet the requirements may be reimbursed for the costs of procuring expert witness services, paralegal services on appeal, and court transcripts for appeals, in order to assist in providing an effective defense. However, more recently, the counties have almost entirely assumed the responsibilities of reimbursing expert witness and court transcript costs. Accordingly, the 2090 Funds are used primarily for reimbursing paralegal assistance costs, though the PDA retains the ability and discretion to use them for other purposes articulated in the statute, insofar as doing so would increase the likelihood of success on appeal for those cases deemed by the PDA Board of Directors as being central to our mission.

This past year, an Appellate Roster was created for parental defense, requiring that once a case made it to full briefing, an additional, vetted attorney with significant appellate experience join

these cases as co-counsel. The advent of the Appellate Roster has certainly changed the needs the 2090 funds were created to service. The PDA, in its new administrative home at the CCJJ, has been looking into productive ways these funds could potentially be used given the restrictions placed on the fund, and the shifting needs of parental defenders based on the creation of the appellate roster.

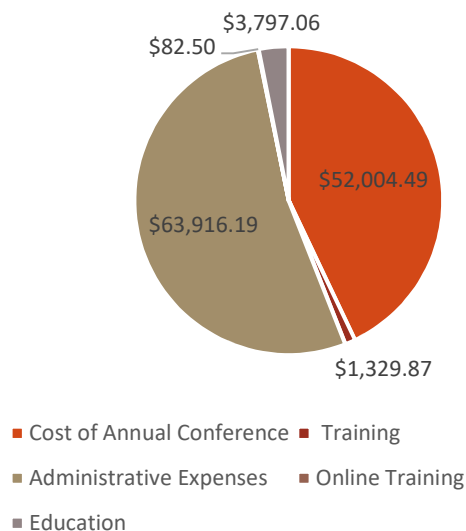
One such opportunity was afforded to the PDA in FY 2019. In determining to grant certiorari on the landmark case, *In re BTB*, the Supreme Court of Utah specifically requested that the PDA provide a brief of amicus curiae to help elucidate the issues presented to the Court, with particular focus on the impact the decision in the case, a private termination case, would have on the broader world of child welfare. The PDA Board of Directors voted to have Margaret Lindsay and Kirstin Norman author the amicus brief, as both attorneys had significant appellate writing experience, and it would be much cheaper than hiring outside counsel to do so. The PDA asked for, and received permission from both the Department of Finance and the Commission on Juvenile Justice (as this decision took place during the time the PDA's move from the Department of Finance to CCJJ was being contemplated), to utilize 2090 funds to pay for Ms. Lindsay and Ms. Norman's time in authoring the brief. The PDA looks forward to the outcome of this case, and relished the opportunity to present its narrative to the Supreme Court of Utah that focused on the strength of families, and the importance of the Constitutional protections surrounding parental rights.

The total aggregate amount of grant reimbursements for services cannot exceed the amount available in the "Child Welfare Parental Defense Fund," a restricted fund created by Utah Code Section 63A-11-203. The balance of the restricted fund at the end of the fiscal year was \$44,983.82. No expenditures were made to reimburse members for paralegal assistance because no applications were made to the PDA (with the exception of one application that the PDA determined did not meet its requirements for reimbursement, as the same case had requested and received reimbursement during the previous fiscal year). Expenses for the amicus brief were not incurred until the beginning of FY2020, and thus were not reflected in reporting on the 2090 fund for FY2019.

## Budget

The PDA of Utah has an annual budget of \$95,200 appropriated from the Utah legislature. In addition to those funds, the PDA received \$13,000 towards the cost of our annual conference from Utah's Court Improvement Program. We received \$21,120.50 in revenue from the Annual Conference due to the \$125 attendance fee for members with a current contract and \$150 attendance fee for those without, as well as for the cost of meals for guests. Thus, our total budget for FY 2018 was \$129,320.50.

### PDA of Utah Budget FY 2019



During the fiscal year, the PDA of Utah expended \$120,210.50. This means that we did not spend \$9,110 of this year's budget, which will be addressed later on.

In previous Annual Reports, the PDA reflected budget expenditures in the following six categories: Cost of the Annual Conference, Contract Employee Time, Business Expenditures, Other Trainings, Travel Expenses, and Education. However, in an effort to streamline its internal accounting practices, in its own records the PDA changed its

expenditure categorization to these five categories: Administration (which includes Officers' and Directors' Time and Business Expenses), Conference (which reflects the same expenses as the previous Annual Conference category), Education (which includes the expenses reflected in the previous Education category and the Travel Expenses Category), Training (which reflects the previous Other Trainings category), and Online Training, which reflects expenses incurred for training that is only available online. This was done, in part, so that there is uniformity between the reports we run internally and the way those figures are presented in the Annual Report, and to accommodate a change in policy that occurred two years ago, requiring the PDA to book travel through the State Travel Office. Because those figures aren't available to us directly, we obtain them at the end of the fiscal year by requesting a report from the State Travel Office. The vast majority of the travel expenses the PDA incurs are in relation to sending attorneys to conferences, as reflected in the Education category. The PDA's remaining travel expense is the mileage reimbursement it dispenses to Board Members to attend PDA meetings and training events. Because this travel is attached to their services as Board Members, it made more sense for it to be allocated to the Administrative Category moving forward. The categories closely track those we used in previous reports, such that it is still possible to efficiently compare budget expenditures year over year, but with greater consistency with the PDA's internal accounting practices.

Most categories very closely tracked last year's figures. The one significant departure was that the Administrative Costs show much higher this year than the Contract Employee Time category appeared last year. However, because the former Business Expenses category and a portion of our travel budget were both combined into the Administrative Costs category in this report. The business expenses included in this total for FY2019 were \$3,450.59, which is actually quite a bit less than business expenses were last year (\$6,672.56). This can be attributed to fewer website maintenance costs incurred in FY2019 and some delayed insurance policy premiums that won't actually be calculated until later in FY2020. Including those forthcoming costs, the business

expenses overall appear to almost exactly track those of FY2018. Also, there is obviously a significant increase in spending in contract employee time that is directly attributable to the PDA having a fully-staffed Board of Directors throughout FY2019. If you refer to the Annual Report for FY2018, the PDA explained that one board seat remained vacant for almost the entire year, while another was vacant for a portion of the year as the PDA determined how to deal with the departures of David Boyer and Grant Dickinson from its Board of Directors. We acknowledged, at that time, that our expenditures in the Contract Employee Time category were significantly lower than they had been in years past, but that since the seats had recently been re-appointed, we did “not anticipate a similar situation in FY2019.” In fact, the FY2018 Annual Report went on to state that “[w]e expect all of our Board Members to bill at the proscribed rate of 5 hours per month, and with the 7-member board, we anticipate contract employee time in FY2019 to be closer to that of FY2017. That is exactly what happened, with Contracted Employee Time for FY2019 totaling \$60,465.60. The PDA Board of Directors is pleased to have so accurately predicted this cost, and to have made more efficient use of its budget in FY2019.

The cost of the Annual Conference decreased very slightly, due the change in venue (less than \$1000 difference) and our members so vastly preferred the Grand Summit to the Doubletree that, as described earlier, the decision has already been made to return to the nicer venue in 2020. Also, the Education costs for FY2019 were slightly lower this year, which can be attributed to not being able to send someone to the NACC Conference in Orlando, also detailed herein. We do anticipate sending board members to three conferences in FY2020. All other categories, however, remained relatively stable in FY2019.

As detailed in the PDA’s FY2018 Annual Report, the PDA deliberately did not spend its entire budget that year in anticipation of some annual costs we were aware would be greatly changing in FY2019. One of those was the increase in costs to operate the Wild Apricot software that hosts our directory and enables our emailing capacity. Those costs increased as expected. The PDA also knew RegOnline would be sunseting, necessitating a new registration software agreement that we anticipated would be more expensive than the RegOnline contract. Fortunately, the PDA was able to secure advantageous pricing with EventBrite, and starting in FY2020, those costs should actually very closely track registration software costs from previous years. This contract was not secured until the beginning of FY2020. Now that this pricing is secure, we will be able to more confidently utilize more of our budget, rather than continuing to operate with a surplus.

One cost the PDA knows will increase in FY2020 is the cost of our Annual Conference. This is mainly due to the fact that Utah’s per diem lodging rate in Park City increased from \$100 per night to \$110 per night. The budget surplus from FY2019 will be helpful in this regard as the PDA accustoms its projected conference expenditures to this change. We also are considering hosting an additional multi-hour training event in FY2020, since at present there is considerable demand for a medical marijuana training event, and not all of our members can travel to the Salt Lake area to attend the event we already have planned. Since we do not currently have an



online capacity, our options at present seem to be to do multiple trainings where called for in different geographic locales, or to find a new way to host online trainings in FY2020. In either event, the budget surplus (albeit small) from this year will allow the PDA to serve its members' training needs commendably. In sum, the PDA feels that it is continually utilizing its budget to maximize service to its members, and fulfill or exceed the mandates outlined in our contract with the State of Utah. We look forward to continuing to do so in FY2020.